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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,857	03/16/2004	Mutsumi Naniwa	1110-0317P	1307
2292	7590	02/09/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			ZIMMERMAN, JOSHUA D	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

5/12

Office Action Summary	Application No. 10/800,857	Applicant(s) NANIWA ET AL.	
	Examiner Joshua D. Zimmerman	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 6 is/are rejected.
- 7) ☒ Claim(s) 3-5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/15/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 3-5 are objected since the claim language does not accurately convey the invention. It is unclear whether applicant means a) for the rollers to have a first speed in the development step and then a second speed in the printing step, or b) for the rollers to have plural speeds in the development step and also plural speeds in the printing step.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2 and 6 are rejected under 35 U.S.C. 103(a) as obvious over Garner et al. (US 5,562,031) in view of Vermeersch (EP 0 770 494 A2).

Vermeersch teaches a "method of carrying out lithographic printing using a plate having an image recording layer capable of being developed with dampening water and/or ink" and "bearing a recorded image, mounted on a plate cylinder" (column 2, lines 55-column 3, line 16). Vermeersch lacks the "dampening roller and/or form roller having a surface speed differing from the surface speed of the plate." Garner et al. teach a printing press and "method of carrying out lithographic printing" wherein the dampening roller has a "surface speed differing from the speed of the (printing) plate"

(column 2, lines 1-13; figure 1, figure 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the variable speed rollers of Garner et al. in the on-machine development process and press as taught by Vermeersch in order to quickly and efficiently begin producing clean, well-developed images.

Regarding claim 6, Vermeersch combined with Garner et al. meets all the limitations of claim 2. Garner et al. further disclose a press “wherein the roller speed control device changes the surface speed of the dampening roller and/or form roller (column 7, lines 21-28).” The phrase “so that the surface speed in a printing step is different from the surface speed in the developing step” is functional language and does not patentably distinguish it over the prior art structure.

Allowable Subject Matter

2. Claims 3-5 are also objected to as being dependent upon a rejected base claim, but would be allowable if a) rewritten to overcome the objection above and b) rewritten in independent form including all of the limitations of the base claim and any intervening claims. Examiner suggests that applicants use the language from page 17, lines 13-17, of the specification.

3. The following is an examiner’s statement of reasons for allowance: the combination of Vermeersch and Garner et al. does not teach or render obvious the use of ink or dampening rollers which have a first speed in a development step, and subsequently have a second speed in a printing step.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

4. Applicants' arguments filed 11/22/2005 have been fully considered but they are not persuasive.

Applicants argue that since Garner et al. teach the use of varying speed rollers in the printing step (rather than the development step) the teachings of Garner et al. cannot be used. However, in the sentence bridging pages 2 and 3 of the previous office action, the varying speed rollers of Garner et al. are incorporated into the on-press development system of Vermeersch, thus applicants' argument is moot. Further, the definition of a hickey on page six of applicants' amendment does not preclude the inclusion in said definition of unwanted areas in the image recording layer. Unwanted areas in the image recording layer would indeed produce hickeys on the printed medium. See also page 11, lines 9 and 10 of applicants' disclosure.

The invention as claimed in claims 1 and 2 involves only a development step (or developing device) wherein the surface speeds of the dampening roller and the plate differ. The incorporation of the varying speed rollers of Garner et al. into the development step of Vermeersch meets this requirement.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patents 3,467,008 to Domotor and 4,724,764 to MacPhee et al. both disclose printing systems wherein the form rollers and/or the dampening rollers have a different surface speed than the printing form roller.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Zimmerman whose telephone number is 571-272-2749. The examiner can normally be reached on M-R 8:30A - 6:00P, Alternate Fridays 8:30A-5:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 571-272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joshua D Zimmerman
Examiner
Art Unit 2854

jdz



ANDREW H. HIRSHFELD
SUPERVISORY PATENT EXAMINER
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